

MODULE I

STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to store or treat hazardous waste in containers, treat and store hazardous waste in tanks, treat and store hazardous waste in miscellaneous (Subpart X) units, and treat hazardous waste in incinerators at the TOCDF in accordance with the conditions of this Permit and in accordance with R315-5.
- I.A.2. Any treatment, storage, or disposal of hazardous waste not authorized in this Permit is prohibited except as allowed by R315-5-3.34 or Condition I.F.1. The Permittee is authorized to comply with the conditions of other permits issued by the Utah Department of Environmental Quality or elements thereof and by the USEPA, so long as those conditions are not inconsistent with this Permit. When conditions of various permits are inconsistent, the Permittee must either comply with the more stringent conditions or request and obtain modification of appropriate permits to avoid non-compliance.
- I.A.3. Compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this Permit which become effective by statute. Specifically, compliance with this Permit during its term constitutes compliance, for purposes of enforcement, with R315-8 only for those management practices specifically authorized by this Permit. The Permittee is also required to comply with R315-1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 16, 50, and 101 as applicable.
- I.A.4. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege nor does it authorize any injury to persons or property, any invasion of private rights, or any infringement of State or local law or regulations.

I.B. ENFORCEABILITY

- I.B.1. Violations duly documented through the enforcement process pursuant to Utah Code Annotated 19-6-112, may result in penalties.

I.C. OTHER AUTHORITY

- I.C.1. The Board expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

- I.D.1. This Permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3-4.
- I.D.2. The filing of a request for a permit modification, revocation and re-issuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

- I.D.3. The Executive Secretary may modify this Permit when the standards or regulations on which the Permit was based have been changed by statute, amended standards or regulations, or by judicial decision after the effective date of this Permit.
- I.D.4. Except as provided by specific language in this Permit, the Permittee shall not modify or change the design or operation of the TOCDF or any hazardous waste management practice referenced in this Permit until the Permit is modified in accordance with R315-3-4 and R315-4-1.5.

I.E. **SEVERABILITY**

- I.E.1. The provisions of this Permit are severable and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidity of any State or federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other State or federal statutory or regulatory basis for said condition.

I.F. **DUTIES TO COMPLY**

- I.F.1. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit issued in accordance with R315-3-6.2 or a temporary authorization issued in accordance with R315-3-4.3. Any permit noncompliance, other than noncompliance authorized by an emergency permit or temporary authorization, constitutes a violation of the Utah Solid and Hazardous Waste Act and is grounds for enforcement action, permit termination, revocation and re-issuance or modification of the permit or denial of a permit renewal application.
- I.F.2. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606(a), commonly known as CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other State or federal law providing for protection of human health or the environment from any imminent and substantial endangerment.

I.G. **DUTY TO REAPPLY**

- I.G.1. If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall apply for a new permit a minimum of 180 calendar days prior to the expiration date of this Permit, in accordance with R315-3-3.1(b) and R315-3-2.1(g).

I.H. **PERMIT EXPIRATION**

- I.H.1. This Permit shall be effective for ten years from the effective date of this Permit.

I.I. CONTINUATION OF EXPIRING PERMIT

- I.I.1. This Permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely and complete application (in accordance with R315-3), and through no fault of the Permittee, the Executive Secretary has neither issued nor denied a new permit under R315-3-5 on or before the expiration date of this Permit.

I.J. REVIEW OF PERMIT

- I.J.1. In accordance with the Utah Solid and Hazardous Waste Act, UAC 19-6-108(13), this Permit shall be reviewed five years after the effective date and modified as necessary.

I.K. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

- I.K.1. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

I.L. DUTY TO MITIGATE

- I.L.1. In the event of noncompliance with the Permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance; and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.M. PROPER OPERATION AND MAINTENANCE

- I.M.1. The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes following parts of Permittee-approved Standard Operating Procedures (SOPs) which affect the management of hazardous waste, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary equipment or similar systems only when necessary to achieve compliance with the conditions of this Permit.
- I.M.2. The Permittee shall follow the procedures for SOP revision whenever it is necessary to change an SOP.
- I.M.3. The TOCDF Environmental Office shall provide copies of all temporary changes that address deviations from this Permit, upon request.
- I.M.4. Prior to July 1, 2005, and each July 1 thereafter, the Permittee shall submit a report to the Executive Secretary of the occasions during the previous calendar year when each incinerator operated outside of the operating ranges in Module V. Each report shall include the amount of time that an incinerator processed waste, idled, and turned off the burners (e.g., maintenance shutdowns, etc.). The report should, at a minimum, contain the information provided in the "Tooele Chemical Agent Disposal Facility (TOCDF)

Incinerator Upset Conditions Estimate for 1998, PDARS Review Based” (EG&G, 1999).

I.N. **DUTY TO PROVIDE INFORMATION**

I.N.1. The Permittee shall furnish to the Board and the Executive Secretary, within a reasonable time, any relevant information which the Board or the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Board and the Executive Secretary, upon request, copies of records required to be kept by this Permit.

I.O. **INSPECTION AND ENTRY**

I.O.1 Pursuant to the Utah Solid and Hazardous Waste Act, UAC 19-6-109, the Permittee shall allow the Board, the Executive Secretary, or their authorized officer, employee, or representative, upon the presentation of credentials as may be required by law to:

I.O.1.a. Enter at reasonable times upon the Permittees’ premises where a regulated facility, unit, or activity is located or conducted or where records are kept as required by conditions of this Permit;

I.O.1.b. Have access to and copy, at reasonable times, any records that are kept as required by conditions of this Permit;

I.O.1.c. Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

I.O.1.d. Sample or monitor for the purposes of assuring permit compliance or as otherwise authorized by the Utah Solid and Hazardous Waste Act or RCRA, any substances or parameters at any location.

I.O.2 The Executive Secretary, or an appointed representative, shall be allowed to make record of inspections by photographic, electronic, video tape, or any other reasonable medium.

I.P. **MONITORING AND RECORDS**

I.P.1. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings (or equivalent recordings) for continuous monitoring instrumentation, copies of all reports required by this Permit, the certification required by R315-8-5.3. (40 CFR Section 264.73(b)(9) incorporated by reference), and records of all data used to complete the application for this Permit for a period of at least three years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this Permit. The Permittee shall retain, at the Facility, all monitoring records from all surface water sampling, seep sampling, soil sampling, sediment sampling, groundwater monitoring wells, and associated groundwater surface elevations until three years past the end of the corrective action instituted to address releases of hazardous waste or hazardous waste constituents from any solid waste

management unit created as a result of operations at the TOCDF. These periods may be extended by request of the Executive Secretary at any time by written notification to the Permittee and the retention times are automatically extended during the course of any unresolved enforcement action regarding the TOCDF to three years beyond the conclusion of the enforcement action.

- I.P.2. Pursuant to R315-3-3.1(j), records of monitoring information shall specify:
 - I.P.2.a. The date(s), exact place(s), and time(s) of sampling or measurements;
 - I.P.2.b. The name(s), title(s), and affiliation(s) of the individual(s) who performed the sampling or measurements;
 - I.P.2.c. The dates analyses were performed;
 - I.P.2.d. The individual(s) who performed the analyses;
 - I.P.2.e. The analytical techniques or methods used; and
 - I.P.2.f. The results of such analyses, including the Quality Control/Quality Assurance summary.
- I.P.3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The methods used shall be those approved procedures found in Module X; Attachments 2, 3, 20, and 22; or equivalent methods approved in accordance with Condition I.P.4.
- I.P.4. The Permittee may substitute analytical methods which are equivalent or superior to those specifically approved for use in this Permit by modifying the Permit in accordance with R315-3-4.3. The modification request shall provide information, in terms of sensitivity, accuracy, and precision (i.e., reproducibility), demonstrating the proposed method(s) requested to be substituted.
- I.Q. **REPORTING PLANNED CHANGES**
 - I.Q.1. Within 60 calendar days prior to any planned physical alteration or addition, the Permittee shall give notice to the Executive Secretary of any planned physical alterations or additions to the permitted Hazardous Waste Management Units (permitted units).
- I.R. **REPORTING ANTICIPATED NONCOMPLIANCE**
 - I.R.1. The Permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted units or activities which may result in noncompliance with requirements of this Permit. Advance notice shall not constitute a defense for any noncompliance.
- I.S. **CERTIFICATION OF CONSTRUCTION OR MODIFICATION**
 - I.S.1. The Permittee may not commence storage, treatment, or disposal of hazardous waste in any newly permitted unit or in a modified portion of an existing permitted unit until the Permittee has submitted to the Executive Secretary by certified mail, express mail, or

hand delivery a letter signed by the Permittee and a registered professional engineer certifying that the permitted unit at the TOCDF has been constructed or modified in compliance with this Permit; and

I.S.2. The Executive Secretary has reviewed and inspected the modified or newly constructed permitted unit and has notified the Permittee in writing that the permitted unit was found in compliance with the conditions of this Permit; or

I.S.3. If, within 15 calendar days of the date of submission of the letter in Permit Condition I.S.1., the Permittee has not received notice from the Executive Secretary of the intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit certified in accordance with Condition I.S.1.

I.S.4. Construction certification shall be performed for all the permitted units listed in Table 2 and the HVAC System.

I.T. **TRANSFER OF PERMIT**

I.T.1. This Permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to R315-3-4. Prior to transferring ownership or operation of the TOCDF during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of R315-3, R315-8, and this Permit.

I.U. **TWENTY-FOUR HOUR REPORTING**

I.U.1. In accordance with R315-3-3.1(l)(6), the Permittee shall orally report to the Executive Secretary any noncompliance with this Permit which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than 24 hours from the time the Permittee becomes aware of the noncompliance. Potential endangerment to human health and the environment shall include, but not be limited to:

I.U.1.a. Noncompliance with Condition II.A.1.

I.U.1.b. Any release to the environment of a P999 hazardous waste as listed in R315-2-11(e)(1) or an F999 hazardous waste as listed in R315-2-10(e)(1) which results in the following:

I.U.1.b.i. Confirmed agent concentrations at the DCD Facility boundary due to a release from the TOCDF exceeding the General Population Limits as specified in Table 1 for each agent; or

I.U.1.b.ii. Confirmed agent concentrations exceeding the Work Place Limits specified in Table 1 and Attachment 22 (Agent Monitoring Plan) at any agent monitor within Category C, D, and E areas as specified in Attachment 9 (Contingency Plan).

I.U.1.c. Any release to the atmosphere from the combined stack for the two Liquid Incinerators, the Deactivation Furnace, and the Metal Parts Furnace if the confirmed stack emission level, as defined in Attachment 22 (Agent Monitoring Plan), exceeds the maximum allowable stack concentration identified for each individual agent in Table 1 of this

Permit. The Permittee shall orally report, as specified in Condition I.U.1., to the Executive Secretary.

- I.U.1.d. Any release to the atmosphere from the HVAC stack if the confirmed emission level exceeds the level specified in Table 1 for each individual agent.
- I.U.1.e. Any indication that a release to the atmosphere from the combined stack for the two Liquid Incinerators, the Deactivation Furnace, and the Metal Parts Furnace, or from the HVAC system stack, where the stack emission level cannot be verified to be an agent monitor anomaly within 24 hours of the time in which the agent monitor indicated the stack emission level exceeded the levels identified for each individual agent in Table 1 of this Permit.
- I.U.1.f. Any exceedance of the metals feed rates specified in Module V.
- I.U.2. The Permittee shall orally report to the Executive Secretary unintentional spills of P999 in any quantity. Any such information shall be reported in accordance with the procedures of R315-9, as soon as possible, but not later than 24 hours after the spill occurrence.
- I.U.3. In accordance with R315-9-1, the Permittee shall orally report to the Executive Secretary any TOCDF spill of any hazardous waste or material which, when spilled becomes a hazardous waste, other than a hazardous waste listed in R315-2-11(e). Any such information shall be reported as soon as possible, but not later than 24 hours after the spill occurrence.
- I.U.4. The oral report shall include, but shall not be limited to, the following:
 - I.U.4.a Information concerning the release of any hazardous waste which may endanger public drinking water supplies, and
 - I.U.4.b. Any information of a release or discharge of hazardous waste, or of a fire or explosion at the TOCDF, which could threaten the environment or human health.
 - I.U.4.c. The description of the occurrence and its cause including:
 - I.U.4.c.i. Name, title, and telephone number of individual reporting;
 - I.U.4.c.ii. Name, address, and telephone number of the owner or operator;
 - I.U.4.c.iii. Date, time, and type of incident;
 - I.U.4.c.iv. Location and cause of incident;
 - I.U.4.c.v. Name and quantity of materials involved;
 - I.U.4.c.vi. The extent of injuries, if any;
 - I.U.4.c.vii. An assessment of actual or potential hazard to the environment and human health, where this is applicable;

- I.U.4.c.viii. Description of any emergency action taken to minimize threat to human health and the environment;
- I.U.4.c.ix. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.U.5. Within fifteen calendar days of the time the Permittee is required to provide oral notification, as specified in Conditions I.U.1. through I.U.4., the Permittee shall provide to the Executive Secretary a written submission explaining the incident.
- I.U.5.a. In accordance with R315-9-4, the written submission shall include, but shall not be limited to the following:
- I.U.5.a.i. Name, address, and telephone number of the individual reporting;
- I.U.5.a.ii. A description (include cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health outside the TOCDF, the DCD, or both) of the incident;
- I.U.5.a.iii. The period(s) in which the incident occurred (including exact dates and times);
- I.U.5.a.iv. Whether the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected; whether the release has been adequately cleaned up); and
- I.U.5.a.v. If the noncompliance, release, or both have not been corrected, the anticipated time the cleanup or noncompliance is expected to continue. The submission shall also identify the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance or release; and the steps taken or planned to adequately clean up the release.
- I.U.6. The Permittee shall report all events occurring as a result of operations at the TOCDF, classified as Chemical Events by either the TOCDF or DCD, to the Executive Secretary as soon as possible.
- I.V. **OTHER NONCOMPLIANCE**
- I.V.1. The Permittee shall report all other instances of noncompliance not otherwise required to be reported in this Permit in accordance with Condition I.U., at the time monitoring reports are submitted in accordance with Condition I.AA.1. The reports shall contain the information listed in Condition I.U. Reporting shall not constitute a defense for any noncompliance.
- I.W. **OTHER INFORMATION**
- I.W.1. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application or submitted incorrect information in the permit application or in any report submitted to the Executive Secretary, the Permittee shall promptly submit such facts or corrected information.

I.X. **SIGNATORY REQUIREMENT**

- I.X.1. All applications, reports, or other information requested by or submitted to the Executive Secretary shall be signed and certified in accordance with R315-3-2.2 and R315-3-3.1(k).

I.Y. **CONFIDENTIAL INFORMATION**

- I.Y.1. In accordance with Utah Code Annotated 63-2-308 et seq, and Utah Code Annotated 19-1-306 and implementing regulations, the Permittee may claim confidential any information required to be submitted pursuant to this Permit.

I.Z. **CONFLICTS**

- I.Z.1. All conditions within the modules of this Permit supersede conflicting statements, requirements, or procedures found within the attachments to this Permit.
- I.Z.2. If a conflict exists between conditions within the modules of this Permit, the most appropriate condition, as determined by the Executive Secretary, shall be met.
- I.Z.3. Upon discovery of a conflict, a modification to the Permit shall be initiated by the Permittee to meet the Executive Secretary's determination.

I.AA. **REPORTS, NOTIFICATIONS, AND SUBMISSIONS**

- I.AA.1. On or before September 1 of each year, the Permittee shall submit to the Executive Secretary a report which summarizes the QA/QC reliability problems experienced during the previous 12 months (July 1 through June 30) with Carbon Monoxide (CO), Oxygen (O₂), and agent stack gas monitors and TOCDF ambient air agent monitors, including Depot Area Air Monitoring Systems. This summary report shall include, but not be limited to, the following:
- I.AA.1.a. Identity of the monitor experiencing the problem including serial number and location;
- I.AA.1.b. Identification of the type of problem (e.g., borderline or deficient recoveries, description of the problem);
- I.AA.1.c. Frequency of the problem; and
- I.AA.1.d. Corrective action implemented to correct the problem.
- I.AA.2. All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Executive Secretary shall be sent by certified mail, express mail, or hand delivered to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
288 North 1460 West
P.O. Box 144880
Salt Lake City, Utah 84114-4880
(801)-538-6170

The Utah Department of Environmental Quality 24-Hour Answering Service telephone number is: (801) 536-4123.

- I.AA.3. All reports, notifications, or other submissions which are required by this Permit to be sent or given to the Regional Administrator shall be sent by certified mail, express mail, or hand delivered to the EPA, Region VIII, State and Tribal Assistance Office, Assistant Regional Administrator at:

U.S. Environmental Protection Agency
State and Tribal Assistance Office
999 18th Street
Suite 500
Denver, Colorado 80202-2455

Twenty-four hour number: (303)-293-1788

I.BB. **DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE**

The Permittee shall maintain at the Facility, until closure is completed and certified by an independent, registered professional engineer, the following documents and amendments, revisions, and modifications to these documents:

- I.BB.1. Attachment 2 (Waste Analysis Plan), as required by R315-8-2.4 and this Permit.
- I.BB.2. Attachment 5 (Inspection Plan), as required by R315-8-2.6 and this Permit.
- I.BB.3. Attachment 7 (Training Plan), documents, and records, as required by R315-8-2.7 and this Permit.
- I.BB.4. Attachment 9 (Contingency Plan), as required by R315-8-4 and this Permit.
- I.BB.5. Operating Record, as required by R315-8-5.3 and this Permit.
- I.BB.6. Attachment 10 (Closure Plan), as required by R315-8-7 and this Permit.
- I.BB.7. Independent tank system assessment, installation, and repair certifications; as required by R315-8-10 and this Permit.
- I.BB.8. Plans and Operating Records as required by R315-8-18 and R315-8-22 and this Permit.